

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

MICHAEL TANNUZZO,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/7/2024

1:20-cr-160 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On November 22, 2022, Defendant Michael Tannuzzo was sentenced principally to a term of 27 months of imprisonment for his conviction, following a guilty plea, for drug adulteration and misbranding in violation of 21 U.S.C. §§ 331, 333(a)(2). The defendant's sentencing guidelines range was 30 to 36 months of imprisonment based on an offense level of 19 and a criminal history category of I. The Bureau of Prisons currently projects that the defendant will be released from prison on September 7, 2024.

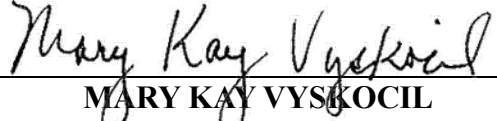
Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted could not be released from prison before February 1, 2024.

On January 26, 2024, the defendant filed a *pro se* motion for reduction in his sentence [ECF No. 1221]. The Probation Department has also issued a report indicating that he is eligible for a reduction.

IT IS HEREBY ORDERED that by **February 9, 2024** the government shall file a letter stating its position on the motion for reduction of the defendant's sentence.

SO ORDERED.

Date: February 7, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge